

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**AMIR KAKI, M.D.**, *an individual*,  
and **MAHIR ELDER, M.D.**, *an individual*,

Plaintiffs,

vs.

Case No. \_\_\_\_\_

Hon. \_\_\_\_\_

**TENET HEALTHCARE CORPORATION**,  
*a foreign for-profit corporation*, **VHS, INC.**, *a  
foreign for-profit corporation*, **VHS OF  
MICHIGAN, INC.**, *a foreign for-profit  
corporation*, d/b/a Detroit Medical Center  
("DMC"), **VHS HARPER-HUTZEL  
HOSPITAL, INC.**, *a foreign for-profit  
corporation*, **VHS SINAI-GRACE HOSPITAL,  
INC.**, *a foreign for-profit corporation*, **VHS  
DETROIT RECEIVING HOSPITAL, INC.**, *a  
foreign for-profit corporation*, jointly and  
severally, Collectively DMC and/or TENET), and  
**DR. ANTHONY TEDESCHI**, President of VHS  
OF MICHIGAN and CEO of DMC, *an individual*,  
**SCOTT STEINER**, CEO of HARPER  
UNIVERSITY HOSPITAL, DETROIT  
RECEIVING, AND HUTZEL HOSPITAL, *an  
individual*, **ERIC EVANS**, PRESIDENT OF  
TENET HOSPITAL OPERATIONS, *an  
individual*, **CONRAD MALLET**, CEO SINAI-  
GRACE HOSPITAL, *an individual*, and **JOHN  
LEVY**, JOINT CONFERENCE COMMITTEE  
CHAIR, *an individual*,

Defendants.

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**NOTICE OF REMOVAL**

**There is a previously filed matter entitled *Kaki/Elder v Tenet et al* bearing Civil Action No. 19-10863 assigned to Sr. U.S. District Judge Hon. Arthur Tarnow that had been dismissed on October 9, 2019.**

Defendants, each and everyone through their undersigned attorneys, give notice of removal of this action from the Circuit Court for the County of Wayne, where it is currently pending, to the United States District Court for the Eastern District of Michigan pursuant to 28 U.S.C. § 1441 *et seq.*, and state as follows:

1. This matter was first brought by Plaintiffs before this Court on March 25, 2019 by Plaintiffs filing a Complaint alleging claims including violations of the False Claims Act 31 U.S.C. § 3730 and the Fair Labor Standards Act 29 U.S.C. § 201 *et. seq.* along with other state law claims. Plaintiffs asserted this Court had jurisdiction pursuant to 28 U.S.C. §§ 1331 and 2601, and 29 U.S.C. § 794(a). The case was assigned to the Honorable Arthur Tarnow. **See Exhibit 1.**

2. On October 9, 2019, this Court granted in part Defendants' Motion to Dismiss the federal claims based upon the Plaintiffs having agreed to arbitrate the claims. The Court also dismissed the Plaintiffs' pending state law claims without prejudice declining to exercise supplemental jurisdiction under 28 U.S.C. §1367. **See Exhibit 2.**

3. On November 8, 2019, Plaintiffs again filed a lawsuit against Defendants in the Wayne County Circuit Court, State of Michigan, entitled *Amir Kaki, M.D. and Mahir Elder, M.D. v. Tenet Healthcare Corporation, VHS, Inc.,*

*VHS of Michigan, Inc, VHS Harper-Hutzel Hospital, Inc., VHS Sinai-Grace Hospital, Inc., VHS Detroit Receiving Hospital, Inc., Dr. Anthony Tedeschi, Scott Steiner, Eric Evans, Conrad Mallet, and John Levy*, Case No. 2019-014985-CD. Plaintiffs reasserted the state court claims previously dismissed. In that Complaint, Plaintiffs allege that Defendants violated the Michigan Medicaid False Claims Act, Retaliatory Discharge in Violation of Public Policy, Retaliatory Removal Of Privileges In Violation Of Public Policy, False Light and violation of M.C.L. 423.501 *et. seq.* **See Exhibit 3.**

4. The Complaint initiating the lawsuit was served upon Defendants on November 18, 2019.

5. On December 11, 2019, Defendants filed as their first responsive pleading, a motion for summary disposition seeking to dismiss the claims and compel Plaintiffs to arbitrate the claims consistent with a contractually agreed upon arbitration clause. **See Exhibit 4.**

6. On December 11, 2019, at the last minute, Plaintiffs amended their complaint by right and included a claim under the federal False Claims Act 31 U.S.C. §3730. A copy of the Amended Complaint is attached as **Exhibit 5.**

7. The matter became removable on December 11, 2019 with the filing of the Amended Complaint asserting a federal question.

8. This Notice of Removal is filed within 30 days of Defendants' first receipt of the Amended Complaint raising federal question jurisdiction under 28 U.S.C. § 1331 and is therefore timely pursuant to 28 U.S.C. § 1446(b)(3).

9. The Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1331.

10. This matter may be removed to the United States District Court for the Eastern District of Michigan pursuant to 28 U.S.C. § 1441(a).

11. Notice of this Notice of Removal is being given to Wayne County Circuit Court and opposing counsel concurrent with the filing of this Notice of Removal pursuant to 28 U.S.C. § 1446(d). **Exhibit 6.**

WHEREFORE, Defendants remove this action to the United States District Court for the Eastern District of Michigan.

Respectfully submitted,

OGLETREE, DEAKINS, NASH,  
SMOAK & STEWART, PLLC

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Dated: January 2, 2020

**CERTIFICATE OF SERVICE**

I hereby certify that on January 2, 2020, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system. I further certify that I will serve a copy of such filing on Plaintiff via U.S. Postal Service first-class mail as follows:

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